

# **The Indian Penal Code**

## **Introduction**

In the uncivilized society no person was said to be safe from attacks to his person or property by any other person. The person attacked either succumbed or overpowered his opponent. A tooth for a tooth, an eye for an eye, a life for a life was the rule of law. With the advancement of time, the injured person agreed to accept compensation, instead of killing his adversary. For a long time the function of settling the terms remained with the parties themselves, but gradually this function came to be performed by the State.

In India the criminal jurisprudence came into existence from the time of Manu. Manu has recognized assault, theft, robbery, false evidence, slander, criminal breach of trust, cheating, adultery and rape. The king protected his subjects and the subjects in return owed him allegiance and paid him revenue. The king administered justice himself, if unable due to certain circumstances, the matter was entrusted to a judge. If a criminal was fined, the fine went to the king's treasury and was not given as compensation to the injured party.

Different laws came into existence in the reins of different rulers. When the Britishers came into India they adopted a different set of law which was based on British pattern, but it was not uniform throughout India. Different regulations were passed prescribing practice and procedure to be followed. In 1834 the first Indian Law Commission was constituted to investigate into the jurisdiction, powers and rules of the existing courts as well as police establishments and into the laws in operation in British India. The Indian Penal Code was drafted by the first Indian Law Commission under the presidentship of Macaulay and was submitted to the Governor-General of India in Council in 1837. It was circulated to the Judges and law advisors of the Crown. In 1845, another Commission was appointed to review the Code. This Commission submitted its report in two parts, one in 1846 and the other in 1847. The Code was revised according to the report of the Commission but it never saw the light of the day. Subsequently, it was revised by two Law Members of the Governor-General of India in Council and was presented to the Legislative Council in 1856.

## **Act 45 of 1860**

The Indian Penal Code Bill was passed by the Legislative Council and it received the assent of the Governor-General on 6th October, 1860. It came on the Statute Book as THE INDIAN PENAL CODE (45 of 1860).

### **List of Amending Acts and Adaptation Orders**

1. The Repealing Act, 1870 (14 of 1870).
2. The Indian Penal Code Amendment Act, 1870 (27 of 1870).

3. The Indian Penal Code Amendment Act, 1872 (19 of 1872).
4. The Indian Oaths Act, 1873 (10 of 1873).
5. The Indian Penal Code Amendment Act, 1882 (8 of 1882).
6. The Code of Criminal Procedure, 1882 (10 of 1882).
7. The Indian Criminal Law Amendment Act, 1886 (10 of 1886).
8. The Indian Marine Act, 1887 (14 of 1887).
9. The Metal Tokens Act, 1889 (1 of 1889).
10. The Indian Merchandise Marks Act, 1889 (4 of 1889).
11. The Cantonments Act, 1889 (13 of 1889).
12. The Indian Railways Act, 1890 (9 of 1890).
13. The Indian Criminal Law Amendment Act, 1891 (10 of 1891).
14. The Amending Act, 1891 (12 of 1891).
15. The Indian Criminal Law Amendment Act, 1894 (3 of 1894).
16. The Indian Criminal Law Amendment Act, 1895 (3 of 1895).
17. The Indian Penal Code Amendment Act, 1896 (6 of 1896).
18. The Indian Penal Code Amendment Act, 1898 (4 of 1898).
19. The Currency-Notes Forgery Act, 1899 (12 of 1899).
20. The Indian Penal Code Amendment Act, 1910 (3 of 1910).
21. The Indian Criminal Law Amendment Act, 1913 (8 of 1913).
22. The Indian Elections Offences and Inquiries Act, 1920 (39 of 1920).
23. The Indian Penal Code (Amendment) Act, 1921 (16 of 1921).
24. The Indian Penal Code (Amendment) Act, 1923 (20 of 1923).
25. The Indian Penal Code (Amendment) Act, 1924 (5 of 1924).

26. The Indian Criminal Law Amendment Act, 1924 (18 of 1924).
27. The Workmen's Breach of Contract (Repealing) Act, 1925 (3 of 1925).
28. The Obscene Publications Act, 1925 (8 of 1925).
29. The Indian Penal Code (Amendment) Act, 1925 (29 of 1925).
30. The Repealing and Amending Act, 1927 (10 of 1927).
31. The Criminal Law Amendment Act, 1927 (25 of 1927).
32. The Repealing and Amending Act, 1930 (8 of 1930).
33. The Indian Air Force Act, 1932 (14 of 1932).
34. The Amending Act, 1934 (35 of 1934).
35. The Government of India (Adaptation of Indian Laws) Order, 1937.
36. The Criminal Law Amendment Act, 1939 (22 of 1939).
37. The Offences on Ships and Aircrafts Act, 1940 (4 of 1940).
38. The Indian Merchandise Marks (Amendment) Act, 1941 (2 of 1941).
39. The Indian Penal Code (Amendment) Act, 1942 (8 of 1942).
40. The Indian Penal Code (Amendment) Act, 1943 (6 of 1943).
41. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
42. The Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949).
43. The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949 (42 of 1949).
44. The Adaptation of Laws Order, 1950.
45. The Repealing and Amending Act, 1950 (35 of 1950).
46. The Part B States (Laws) Act, 1951 (3 of 1951).
47. The Criminal Law Amendment Act, 1952 (46 of 1952).

48. The Repealing and Amending Act, 1952 (48 of 1952).
49. The Repealing and Amending Act, 1953 (42 of 1953).
50. The Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955).
51. The Adaptation of Laws (No.2) Order, 1956.
52. The Repealing and Amending Act, 1957 (36 of 1957).
53. The Criminal Law Amendment Act, 1958 (2 of 1958).
54. The Trade and Merchandise Marks Act, 1958 (43 of 1958).
55. The Indian Penal Code (Amendment) Act, 1959 (52 of 1959).
56. The Indian Penal Code (Amendment) Act, 1961 (41 of 1961).
57. The Anti-Corruption Laws (Amendment) Act, 1964 (40 of 1964).
58. The Criminal and Election Laws Amendment Act, 1969 (35 of 1969).
59. The Indian Penal Code (Amendment) Act, 1969 (36 of 1969).
60. The Criminal Law (Amendment) Act, 1972 (31 of 1972).
61. The Employees' Provident Funds and Family Pension Fund (Amendment) Act, 1973 (40 of 1973).
62. The Employees' State Insurance (Amendment) Act, 1975 (38 of 1975).
63. The Election Laws (Amendment) Act, 1975 (40 of 1975).
64. The Criminal Law (Amendment) Act, 1983 (43 of 1983).
65. The Criminal Law (Second Amendment) Act, 1983 ( 46 of 1983).
66. The Dowry Prohibition (Amendment) Act, 1986 (43 of 1986).
67. The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988 (33 of 1988).
68. The Prevention of Corruption Act, 1988 (49 of 1988).

69. The Criminal Law (Amendment) Act, 1993 (42 of 1993).

70. The Indian Penal Code (Amendment) Act, 1995 (24 of 1995).